

## REMARKS

In the Office Action mailed November 30, 2006 (the "Office Action"), claim 36 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. Pub. No. 2003/0092451 ("Holloway"). The Office Action also rejected claims 1, 3-4, 7, 9-13, 15, 20-25, 39 and 45 under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of U.S. Pat. No. 6,188,888 ("Bartle").

Claims 32-35 and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of Bartle and further in view of U.S. Pat. No. 4,768,224 ("Waldman").

Claims 8, 16, 18-19 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of Bartle and further in view of well known prior art.

Claim 40 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of Bartle and Waldman, and in further view of well known prior art.

Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of Bartle and further in view of U.S. Pat. No. 6,856,806 ("Bosik").

Claim 37 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of U.S. Pat. No. 6,574,470 ("Chow").

Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of Bartle and in further view of U.S. Pat. No. 6,609,006 ("Mori").

Claims 41-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of Bartle and Waldman, and in further view of admitted prior art.

Claim 44 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of admitted prior art.

Applicant respectfully traverses the rejections.

### 1. Claim 36 is Allowable

Claim 36 was rejected under 35 U.S.C. §102(b) as being anticipated by Holloway at page 3 of the Office Action.

Before the present amendment, claim 36 recited "the unique identifier allowing the wireless mobile device to select an alternate network destination address for receipt of external communication." The Office Action states that this feature of claim 36 is disclosed by Holloway

in that "the ability to override the transfer of calls can be programmed into a button and thus in this regard a selection is made regarding the forwarding." Applicant respectfully submits that the ability to override the transfer of calls with a button, is not the same as the unique identifier allowing the mobile device to select an alternate network destination address. Claim 36 has been amended to further clarify this feature. As amended, claim 36 recites a wireless communication interface configured to wirelessly transmit a unique identification of the wireless beacon to a wireless mobile device located within the wireless beacon coverage area, wherein, when the unique identification is an expected value, the wireless mobile device selects an alternate network destination address corresponding to the unique identification and forwards external communications to the alternate network destination address while the wireless mobile device is within the wireless beacon coverage area. Holloway does not disclose this feature of claim 36.

Since Holloway fails to disclose at least one element of claim 36, claim 36 is allowable.

2. Claims 1, 3-4, 7, 9-13, 15, 20-25, 39 and 45 are Allowable

Claims 1, 3-4, 7, 9-13, 15, 20-25, 39 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of Bartle at page 4 of the Office Action.

To establish a *prima facie* case of obviousness, three basic criteria must be met.

- 1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- 2) there must be a reasonable expectation of success;
- 3) the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *MPEP* §2142.

The Office Action fails to establish a *prima facie* case of obviousness against claims 1, 3-4, 7, 9-13, 15, 20-25, 39 and 45 because the asserted combination of Holloway and Bartle does not disclose or suggest each and every feature of these claims, and because the asserted combination of Holloway and Bartle is improper since there is no motivation to make the asserted combination.

The asserted combination fails to disclose or suggest all of the features of claims 1, 3-4, 7, 9-13, 15, 20-25, 39 and 45.

Claim 1 recites comparing a value received from a wireless beacon to a look up table accessible to a communication interface to determine whether a wireless beacon is recognized and to identify an alternate network address. The asserted combination of Holloway and Bartle does not disclose or suggest this feature of claim 1.

In contrast to claim 1, Holloway discloses that when a mobile phone comes within the range of a transmitter, the mobile phone receives a transmitted signal. *Holloway*, p. 2, ¶ [0017]. The transmitted signal includes a phone number of a preferred phone associated with the transmitter. *Id.* Holloway also discloses that the phone and transmitter may exchange a “handshake” greeting, verifying that they are intended to work together. *Holloway*, p. 2, ¶ [0020]. The handshake greeting and the transmitted signal that includes the phone number are separate signals. That is, Holloway does not disclose or suggest determining whether the wireless beacon is recognized and identifying an alternate network address based on a value received from a wireless beacon, as recited in claim 1. Rather, Holloway may determine whether the phone and the transmitter are intended to work together based on a first signal, and identify a telephone number associated with the transmitter based on a value in a second signal. Claim 1 recites using one value for both determining whether the wireless beacon is recognized and to identify the alternate network address. Note that the omission of an element and retention of its function is an indicia of unobviousness. *In re Edge*, 359 F.2d 896, 149 USPQ 556 (CCPA 1966).

Bartle also does not disclose or suggest this feature of claim 1. In contrast to claim 1, Bartle discloses a cellular telephone accessing a look up table, in response to a signal received from charging unit, to retrieve a call forwarding number. *Bartle*, col. 7, lines 50-55. The signal received from the charging unit includes a binary value based on a switch position. *Bartle*, col. 7, lines 34-49. Bartle does not disclose determining whether a wireless beacon is recognized and identifying an alternate network address based on a value received from a wireless beacon, as recited in claim 1. The binary number of Bartle causes a compatible cellular telephone (that is, one equipped to read the additional pins in the charging unit) to select a value from the table whether the charging unit is recognized or not. For example, using the cellular telephone and charging unit of Bartle, any charging unit whose switch position is set to 1 will cause calls to be forwarded to the telephone number associated with the number 1 position in the look up table of

the cellular telephone. The charging unit itself need not be recognized. Thus, the binary number does not disclose or suggest determining whether the wireless beacon is recognized and identifying an alternate network address, as recited in claim 1.

Since the asserted combination of Holloway and Bartle fails to disclose or suggest at least one feature of claim 1, claim 1 is allowable.

Claim 3 recites determining whether a wireless beacon is a recognized wireless beacon based on an identification value, and selecting a destination telephone from a look up table within a mobile phone based on the identification value received from the wireless beacon. Neither Holloway nor Bartle disclose or suggest this feature of claim 3.

As previously discussed, Holloway discloses that when a mobile phone comes within the range of a transmitter, the mobile phone receives a transmitted signal. *Holloway*, p. 2, ¶ [0017]. The transmitted signal includes a phone number of a preferred phone associated with the transmitter. *Id.* Holloway also discloses that the phone and transmitter may exchange a "handshake" greeting, verifying that they are intended to work together. *Holloway*, p. 2, ¶ [0020]. The handshake greeting and the transmitted signal that includes the phone number are separate signals. That is, Holloway does not disclose or suggest determining whether a wireless beacon is a recognized wireless beacon based on an identification value, and selecting a destination telephone from a look up table within a mobile phone based on the identification value received from the wireless beacon, as recited in claim 3. Holloway discloses determining whether the phone and the transmitter are intended to work together, and identifying a telephone number associated with the transmitter, based on multiple separate signals, rather than based on a value communicated by a single signal.

Bartle discloses a cellular telephone accessing a look up table, in response to a signal received from a charging unit, to retrieve a call forwarding number. *Bartle*, col. 7, lines 50-55. The signal received from the charging unit includes a binary value based on the switch position. *Bartle*, col. 7, lines 34-49. Bartle does not disclose determining whether a wireless beacon is a recognized wireless beacon based on an identification value, and selecting a destination telephone from a look up table within a mobile phone based on the identification value received from the wireless beacon, as recited in claim 3. Rather, the binary number of Bartle causes a compatible cellular telephone to select a value from the table, whether the charging unit is recognized or not. For example, a compatible telephone placed in any charging unit whose

switch position is set to 1 will forward calls to the telephone number associated with the number 1 position in the look up table of the cellular telephone. The charging unit itself need not be recognized. Thus, Bartle does not disclose or suggest determining whether the wireless beacon is a recognized wireless beacon, as recited in claim 3. Since the asserted combination of Holloway and Bartle does not disclose or suggest at least one feature of claim 3, claim 3 is allowable.

Additionally, claims 4, 7 and 9-12, which depend from claim 3, are allowable at least by virtue of their dependence from claim 3.

Claim 13 recites determining whether the identifier comprises a recognized identifier based on a look up table accessible to the wireless mobile communication device. Neither Holloway nor Bartle disclose or suggest determining whether an identifier comprises a recognized identifier based on a look up table.

Holloway discloses a mobile phone programmed to recognize a signal "meant for it." *Holloway*, p. 2, ¶ [0017]. However, Holloway does not disclose or suggest that the mobile phone determines whether an identifier comprises a recognized identifier based on a look up table, as recited in claim 13. Recognizing a signal "meant for" the mobile phone relates to recognizing the addressing of the signal; that is, determining what device the signal is being sent to. Conversely, determining whether the identifier is recognized is related to the transmitter, the device the signal is sent from.

Bartle discloses retrieving a call forwarding number from a look up table. *Bartle*, col. 7, lines 50-55. However, as discussed in reference to claims 1 and 3, Bartle does not disclose or suggest determining whether an identifier is a recognized identifier. Thus, Bartle does not disclose suggest that the mobile phone determines whether an identifier comprises a recognized identifier based on a look up table, as recited in claim 13.

Since the asserted combination of Holloway and Bartle does not disclose or suggest at least one feature of claim 13, claim 13 is allowable. Additionally, claims 15, 20-25, which depend from claim 13, are allowable at least by virtue of their dependence from claim 13.

*The asserted combination of Holloway and Bartle is improper*

Even if the asserted combination of Holloway and Bartle disclosed or suggested each and every feature of the claims, the combination would still be improper, because the references

teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

Bartle discloses a cellular telephone accessing a look up table, in response to a signal received from a charging unit, to retrieve a call forwarding number. *Bartle*, col. 7, lines 50-55. The charging unit of Bartle is disclosed to be a docking station style charging unit. *Bartle*, FIG. 3. Holloway teaches away from the use of such devices in conjunction with call forwarding of cellular telephones, stating that "the user may forget to use the docking mechanism in his car until a call is received or may leave the phone in the docking mechanism when they exit the vehicle." *Holloway*, p. 1, ¶ [0005]. Therefore, there is no motivation to combine Holloway with Bartle at least because Holloway teaches away from the combination.

Additionally, Holloway discloses that when a mobile phone comes within the range of a transmitter, the mobile phone receives a transmitted signal. *Holloway*, p. 2, ¶ [0017]. Bartle teaches away from the use of such systems stating:

Special hardware...may detect the presence of the mobile unit when within range of the special hardware (i.e. the mobile unit is at work or at home). The special hardware then notifies the wireless telephone system to forward all calls to the preprogrammed land line telephone at that location. Unfortunately, this solution requires a large investment by the user in the special hardware, as well as system infrastructure modifications, and works only if the mobile unit is within range of the special hardware.

*Bartle*, col. 1, lines 39-50.

Therefore, there is no motivation to combine Holloway with Bartle, because Bartle also teaches away from the combination.

### 3. Claims 32-35 and 43 are Allowable

Claims 32-35 and 43 were rejected at page 11 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of Bartle and further in view of Waldman.

Claim 32 recites a call forward module including a table of alternate network addresses associated with recognized wireless beacon identifiers. The asserted combination fails to disclose or suggest this feature of claim 32.

The Office Action relies on Holloway and Bartle to disclose a call forward module including a table of alternate network addresses associated with recognized wireless beacon identifiers. *Office Action*, p. 12. In contrast to claim 32, however, Holloway discloses that when a mobile phone comes within the range of a transmitter, the mobile phone receives a transmitted signal including a phone number of a preferred phone. *Holloway*, p. 2, ¶ [0017]. Holloway also discloses that the phone and transmitter may exchange a "handshake" greeting, verifying that they are intended to work together. *Holloway*, p. 2, ¶ [0020]. The handshake greeting and the transmitted signal that includes the phone number are separate signals. Holloway does not disclose or suggest a call forward module including a table of alternate network addresses associated with recognized wireless beacon identifiers, as recited in claim 32.

Bartle discloses a cellular telephone accessing a look up table, in response to a signal received from charging unit, to retrieve a call forwarding number. *Bartle*, col. 7, lines 50-55. The signal received from the charging unit includes a binary value based on the switch position. *Bartle*, col. 7, lines 34-49. Bartle does not disclose or suggest a call forward module including a table of alternate network addresses associated with recognized wireless beacon identifiers, as recited in claim 32. The look up table of Bartle is not a table of alternate network addresses associated with recognized wireless beacon identifiers, because the charging unit is not a wireless beacon, and because the binary number received from the charging unit does not identify the charging unit (and thus is not a beacon identifier). For example, a compatible telephone place in any charging unit whose switch position is set to 1 will forward calls to the telephone number associated with the number 1 position in the look up table of the cellular telephone. Thus, the number passed to the mobile phone is not an identifier of the charging unit.

Like Holloway and Bartle, Waldman does not disclose or suggest a call forward module including a table of alternate network addresses associated with recognized wireless beacon identifiers, as recited in claim 32.

Since the asserted combination fails to disclose or suggest at least one feature of claim 32, claim 32 is allowable. Claim 32 is also allowable because any combination including Holloway and Bartle is improper since Holloway and Bartle teach away from the combination. Claims 33-35 and 43, which depend from claim 32, are also allowable at least by virtue of their dependence from claim 32.

4. Claims 8, 18-19 and 38 are Allowable

Claims 8, 16, 18-19 and 38 were rejected at page 14 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of Bartle and further in view of well known prior art. Claim 16 was canceled in a previous amendment; thus, the rejection of claim 16 is moot.

Claim 8 depends from independent claim 3. Claims 18 and 19 depend from independent claim 13. Claim 38 depends from independent claim 1. The Office Action relies on the combination of Holloway and Bartle to disclose or suggest each feature of independent claims 1, 3, and 13. *Office Action*, p. 15-17.

As discussed above, the combination of Holloway and Bartle is improper and does not disclose or suggest each feature of claims 1, 3, and 13. For example, that combination of Holloway and Bartle does not disclose or suggest comparing a value received from a wireless beacon to a look up table accessible to a communication interface to determine whether the wireless beacon is recognized and to identify an alternate network address, as recited in claim 1. The combination of Holloway and Bartle does not disclose or suggest determining whether a wireless beacon is a recognized wireless beacon based on an identification value, and selecting a destination telephone from a look up table within a mobile phone based on the identification value received from the wireless beacon, as recited in claim 3. The combination of Holloway and Bartle does not disclose or suggest determining whether an identifier comprises a recognized identifier based on a look up table accessible to a wireless mobile communication device, as recited in claim 13. The asserted "well known prior art" also does not disclose or suggest these features of independent claims 1, 3 and 13. Since the asserted combination fails to disclose or suggest at least one feature of each independent claim, the combination also fails to disclose or suggest at least one feature of each of claims 8, 18-19 and 38, at least by virtue of their dependence from claims 1, 3 and 13. Claims 8, 18-19 and 38 are therefore allowable.

5. Claim 40 is Allowable

Claim 40 was rejected at pages 17-18 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of Bartle and Waldman, and in further view of well known prior art.



Claim 40 depends from independent claim 32. The Office Action relies on the combination of Holloway, Bartle and Waldman to disclose or suggest each feature of independent claim 32. *Office Action*, p. 18. As discussed above, the combination of Holloway, Bartle and Waldman is improper and does not disclose or suggest each feature of claim 32. For example, that combination of Holloway, Bartle and Waldman does not disclose or suggest a call forward module including a table of alternate network addresses associated with recognized wireless beacon identifiers, as recited in claim 32. The asserted "well known prior art" also does not disclose or suggest this feature. Since the asserted combination fails to disclose or suggest at least one feature of independent claim 32, the combination also fails to disclose or suggest at least one feature claim 40. Claim 40 is therefore allowable.

#### 6. Claim 26 is Allowable

Claim 26 was rejected at page 18 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of Bartle and further in view of Bosik.

Claim 26 depends from independent claim 13. The Office Action relies on the combination of Holloway and Bartle to disclose or suggest each feature of independent claim 13. *Office Action*, p. 18-19. As discussed above, the combination of Holloway and Bartle is improper and does not disclose or suggest each feature of claim 13. For example, that combination of Holloway, Bartle and Waldman does not disclose or suggest determining whether an identifier comprises a recognized identifier based on a look up table accessible to a wireless mobile communication device, as recited in claim 13. Bosik also does not disclose or suggest this feature. Since the asserted combination fails to disclose or suggest at least one feature of independent claim 13, the combination also fails to disclose or suggest at least one feature claim 26. Claim 26 is therefore allowable.

#### 7. Claim 37 is Allowable

Claim 37 was rejected at page 19 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of Chow.

Claim 37 depends from independent claim 36. The Office Action relies on Holloway to disclose or suggest each feature of independent claim 36. *Office Action*, p. 19. As discussed above, Holloway does not disclose or suggest each feature of claim 36. For example, Holloway

does not disclose or suggest a wireless communication interface configured to wirelessly transmit a unique identification of a wireless beacon to a wireless mobile device located within a wireless beacon coverage area, wherein, when the unique identification is an expected value, the wireless mobile device selects an alternate network destination address corresponding to the unique identification and forwards external communications to the alternate network destination address while the wireless mobile device is within a wireless beacon coverage area, as recited in claim 36. Chow also does not disclose or suggest this feature. Since the asserted combination fails to disclose or suggest at least one feature of independent claim 36, the combination also fails to disclose or suggest at least one feature claim 37. Claim 37 is therefore allowable.

#### 8. Claim 27 is Allowable

Claim 27 was rejected at page 20 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of Bartle and in further view of Mori.

Claim 27 recites a first control module to provide a request to forward communications to an alternate communication device when a recognized transmitter identifier is received by the second receiver, where the alternate communication device is proximal to a transmitter of the recognized transmitter identifier, and where a network address of the alternate communication device is determined based on the recognized transmitter identifier. The asserted combination of Holloway, Bartle and Mori does not disclose or suggest this feature of claim 27.

Holloway discloses that when a mobile phone comes within the range of a transmitter, the mobile phone receives a transmitted signal. *Holloway*, p. 2, ¶ [0017]. The transmitted signal includes a phone number of a preferred phone associated with the transmitter. *Id.* Holloway also discloses that the phone and transmitter may exchange a “handshake” greeting, verifying that they are intended to work together. *Holloway*, p. 2, ¶ [0020]. The handshake greeting and the transmitted signal that includes the phone number are separate signals. That is, Holloway does not disclose or suggest providing a request to forward communications to an alternate communication device when a recognized transmitter identifier is received wherein a network address of the alternate communication device is determined based on the recognized transmitter identifier, as recited in claim 27. Rather, Holloway discloses determining whether the phone and the transmitter are intended to work together based on a first signal, and identifying a telephone number associated with the transmitter based on a value in a second signal.

Bartle discloses a cellular telephone accessing a look up table, in response to a signal received from charging unit, to retrieve a call forwarding number. *Bartle*, col. 7, lines 50-55. The signal received from the charging unit includes a binary value based on the switch position. *Bartle*, col. 7, lines 34-49. Bartle does not disclose providing a request to forward communications to an alternate communication device when a recognized transmitter identifier is received wherein a network address of the alternate communication device is determined based on the recognized transmitter identifier, as recited in claim 27. As previously discussed, the binary number of Bartle causes a compatible cellular telephone to select a value from a table whether the charging unit is recognized or not. Thus, the binary number does not disclose or suggest determining whether a wireless beacon is recognized and identifying an alternate network address, as recited in claim 27.

Mori also does not disclose or suggest this feature of claim 27.

Since the asserted combination of Holloway, Bartle and Mori fails to disclose or suggest at least one element of claim 27, claim 27 is allowable. Further, as explained previously, any combination including Holloway and Bartle is improper since each of these references teach away from the combination. For this additional reason, claim 27 is allowable.

#### 9. Claims 41-42 are Allowable

Claims 41-42 were rejected at page 21 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of Bartle and Waldman, and in further view of admitted prior art.

Claims 41 and 42 depend from independent claim 32. The Office Action relies on the combination of Holloway and Bartle to disclose or suggest each feature of independent claim 32. *Office Action*, p. 21. As discussed previously, the combination of Holloway, Bartle and Waldman is improper and does not disclose or suggest each feature of claim 32. For example, the combination of Holloway, Bartle and Waldman does not disclose or suggest a call forward module including a table of alternate network addresses associated with recognized wireless beacon identifiers, as recited in claim 32. The alleged admitted prior art also does not disclose or suggest this feature. Since the asserted combination fails to disclose or suggest at least one feature of independent claim 32, the combination also fails to disclose or suggest at least one feature claims 41 and 42. Claims 41 and 42 are therefore allowable.

Further, claim 41 recites that the first wireless beacon identifier comprises a user selected identifier. Applicant respectfully submits that the admitted prior art does not disclose or suggest a first wireless beacon identifier comprising a user selected identifier, as asserted by the Office Action. *Office Action*, p. 22. In paragraph [0026], the Application states that, "Various methods exist for provisioning the beacon identifier and public key within the mobile device. One approach would be to run a short activation procedure between the beacon and the mobile phone using the first communication protocol." An automated activation procedure run to provision a beacon identifier and public key to a mobile phone does not disclose or suggest a user selecting a wireless beacon identifier. Claim 41 is therefore allowable for this additional reason.

Claim 42 recites the first wireless beacon is further configured to request a recognized user password before sending the first wireless beacon identifier. Applicant respectfully submits that the admitted prior art does not disclose or suggest that a first wireless beacon is further configured to request a recognized user password before sending the first wireless beacon identifier as asserted by the Office Action. *Office Action*, p. 22. In paragraph [0026], the Application states that, "Various methods exist for provisioning the beacon identifier and public key within the mobile device. One approach would be to run a short activation procedure between the beacon and the mobile phone using the first communication protocol." An automated activation procedure run to provision a beacon identifier and public key to a mobile phone does not disclose or suggest a first wireless beacon being configured to request a recognized user password before sending a first wireless beacon identifier, as recited in claim 42. Claim 42 is therefore allowable for this additional reason.

#### 10. Claim 44 is Allowable

Claim 44 was rejected at page 22 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Holloway in view of admitted prior art.

Claim 44 depends from independent claim 36. The Office Action relies on Holloway to disclose or suggest each feature of independent claim 36. *Office Action*, p. 22. As discussed above, Holloway does not disclose or suggest each feature of claim 36. For example, Holloway does not disclose or suggest a wireless communication interface configured to wirelessly transmit a unique identification of a wireless beacon to a wireless mobile device located within a wireless beacon coverage area, wherein, when the unique identification is an expected value, the

wireless mobile device selects an alternate network destination address corresponding to the unique identification and forwards external communications to the alternate network destination address while the wireless mobile device is within the wireless beacon coverage area, as recited in claim 36. The alleged admitted prior art also does not disclose or suggest this feature. Since the asserted combination fails to disclose or suggest at least one feature of independent claim 36, the combination also fails to disclose or suggest at least one feature claim 44. Claim 44 is therefore allowable at least by virtue of its dependence from claim 36.

Further, Applicant respectfully submits that the admitted prior art does not disclose or suggest a first wireless identifier comprising a user selected identifier as asserted by the Office Action. *Office Action*, p. 22. Claim 44 recites wherein a unique identification comprises a user selected identification. In paragraph [0026], the Application states that, "Various methods exist for provisioning the beacon identifier and public key within the mobile device. One approach would be to run a short activation procedure between the beacon and the mobile phone using the first communication protocol." An automated activation procedure run to provision a beacon identifier and public key to a mobile phone does not disclose or suggest a user selecting an identifier, as recited in claim 44. Claim 44 is therefore allowable for this additional reason.

## CONCLUSION

Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon cited references, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto. Applicant's failure to challenge any cited reference as prior art should not be construed as an admission by Applicant that the unchallenged reference does constitute prior art.

Applicant has pointed out specific features of the claims not disclosed, suggested or rendered obvious by the references applied in the Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the rejections, as well as an indication of allowability of each of the claims now pending.

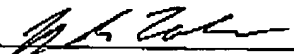
If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney or agent.

Attorney Docket No.: 1033-SS00402

Applicant does not believe that any additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

2-19-2007  
Date

  
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